

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE JUDICIARY COMMITTEE

Date: Monday, February 16, 2009
Place: Capitol

Time: 9:00 am
Room: 303

BILLS and RESOLUTIONS HEARD:

SB 364, SB 400, SB 405, SB 428, SB 441

EXECUTIVE ACTION TAKEN:

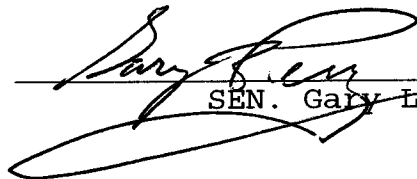
SB 364-Tabled, SB 318-Tabled, SB 346-Tabled

SB 400-Do Pass, SB 405-Do Pass, SB 46-Do Pass

SB 441-Do Pass As Amended, SB 263-Do Pass As Amended

COMMENTS:

SB 454-Withdrawn from Committee by sponsor, Sen. Roy Brown.
SB 466-Withdrawn from Committee by sponsor, Sen. Gary Branae.


SEN. Gary L. Perry, Chairman

MONTANA STATE SENATE
Roll Call
JUDICIARY COMMITTEE

DATE: 2/16/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR GARY PERRY, CHAIRMAN	/	
SENATOR JIM SHOCKLEY, VICE CHAIRMAN	/	
SENATOR AUBYN CURTISS	/	
SENATOR JOHN ESP	/	
SENATOR GREG HINKLE	/	
SENATOR LARRY JENT		/
SENATOR CAROL JUNEAU	/	.
SENATOR CLIFF LARSEN	/	
SENATOR JESSE LASLOVICH		/
SENATOR DANIEL MCGEE	/	
SENATOR LYNDA MOSS		/
SENATOR TERRY MURPHY	/	



SENATE STANDING COMMITTEE REPORT

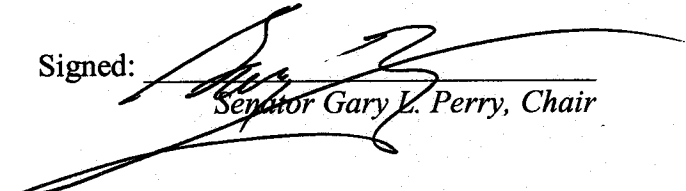
February 16, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 400** (first reading copy -- white) do pass.

Signed:


Senator Gary L. Perry, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

SB0400001SC.sdr



SENATE STANDING COMMITTEE REPORT

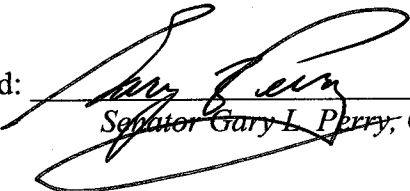
February 16, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 441** (first reading copy -- white) do pass as amended.

Signed:


Senator Gary L. Perry, Chair

And, that such amendments read:

1. Title, line 6.

Following: "JUDGMENT DEBTOR"

Insert: "OR GARNISHEE"

2. Page 3, line 1.

Following: "judgment debtor"

Insert: "or garnishee"

3. Page 3, line 17.

Strike: "necessaries"

Insert: "necessities"

- END -

Committee Vote:

Yes 7, No 5

Fiscal Note Required ☐

SB0441001SC.sdr





SENATE STANDING COMMITTEE REPORT

February 16, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 405** (first reading copy -- white) **do pass.**

Signed:

A handwritten signature in black ink, appearing to be "Gary L. Perry", written over a horizontal line.

Senator Gary L. Perry, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

SB0405001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 16, 2009

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 263** (first reading copy -- white) do pass as amended.

Signed:


Senator Gary L. Perry, Chair

And, that such amendments read:

1. Title, line 4.

Following: "AN ACT"

Strike: "REVISING LAWS GOVERNING"

Insert: "ESTABLISHING A FLAT FEE FOR SERVICES PROVIDED BY"

Following: "OFFICE OF"

Insert: "STATE"

2. Title, line 5 through line 7.

Following: "DEFENDER;" on line 5

Strike: remainder of line 5 through "CASES;" on line 7

Insert: "REQUIRING PUBLIC DEFENDER COSTS TO BE INCLUDED IN A
CRIMINAL JUDGMENT;"

3. Title, line 8.

Following: "OFFICE OF"

Insert: "STATE"

4. Title, line 8 through line 10.

Following: "COURT;" on line 8

Strike: remainder of line 8 through "COST-EFFECTIVE;" on line 10

5. Title, line 11.

Following: "46-8-113,"

Strike: "47-1-104, 47-1-105,"

Insert: "AND"

Following: "47-1-111,"

Committee Vote:

Yes 11, No 1

Fiscal Note Required ☐

SB0263001SC.sdr

52

Strike: "47-1-201, 47-1-202, 47-1-215, AND 47-1-216,"

6. Page 1, line 17.

Following: "counsel --"

Strike: "bill of costs"

Insert: "fees for public defender costs -- inclusion in judgment"

7. Page 1, line 21 through line 22.

Following: "as" on line 21

Strike: remainder of line 21 through "47-1-104(5)."

Insert: "provided in subsection (5). The costs must be included in the judgment drafted by the county attorney."

8. Page 1, line 30.

Following: "payment."

Insert: "(5) The court shall include public defender costs in the judgment at the following rates:

(a) misdemeanor guilty plea, other than a misdemeanor under 61-8-401, 61-8-406, or 61-8-410, \$250;

(b) misdemeanor guilty plea under 61-8-401, 61-8-406, or 61-8-410, \$500;

(c) misdemeanor trial, \$1,000;

(d) felony guilty plea, \$1,000; and

(e) felony trial, \$1,000 per day of trial."

9. Page 2, line 2 through page 5, line 30.

Strike: section 2 through section 3 in their entirety

Renumber: subsequent sections

10. Page 6, line 15.

Following: "an"

Strike: "a verified"

Insert: "an"

11. Page 7, line 16 through page 11, line 18.

Strike: section 5 through section 8 in their entirety

Renumber: subsequent section

- END -



SENATE STANDING COMMITTEE REPORT

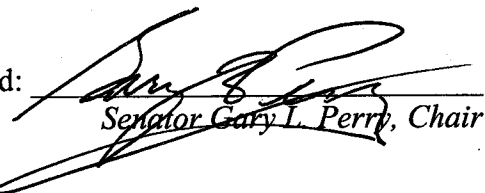
February 16, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 46** (first reading copy -- white) do pass.

Signed:


Senator Gary L. Perry, Chair

- END -

Committee Vote:

Yes 7, No 5

Fiscal Note Required ☐

SB0046001SC.sdr

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 318, SB 346, SB 364**, by motion, on **Monday, February 16, 2009**.



(For the Committee)



(Secretary of the Senate)

12:25 2/16

(Time)

(Date)

February 16, 2009


Pamela E. Schindler, Secretary

Phone: 444-4891

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/16/09 BILL NO SB44 MOTION NO. 5
MOTION: _____

Do Pass As Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	-	-	
SENATOR JESSE LASLOVICH	-		
SENATOR AUBYN CURTISS		-	
SENATOR LARRY JENT	-		
SENATOR TERRY MURPHY	-		
SENATOR LYNDY MOSS	-		
SENATOR JOHN ESP		-	
SENATOR CLIFF LARSEN	-		
SENATOR CAROL JUNEAU		-	
SENATOR GREG HINKLE		-	
SENATOR JIM SHOCKLEY, VICE CHAIR	-		
SENATOR GARY PERRY, CHAIRMAN	-		

7/5

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/10/09 BILL NO SB46 MOTION NO. 1
MOTION: _____

Dolan

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	/		
SENATOR JESSE LASLOVICH		/	
SENATOR AUBYN CURTISS	/		
SENATOR LARRY JENT		/	
SENATOR TERRY MURPHY	/		
SENATOR LYNDA MOSS		/	
SENATOR JOHN ESP	/		
SENATOR CLIFF LARSEN		/	
SENATOR CAROL JUNEAU		/	
SENATOR GREG HINKLE	/		
SENATOR JIM SHOCKLEY, VICE CHAIR	/		
SENATOR GARY PERRY, CHAIRMAN	/		

7/5

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

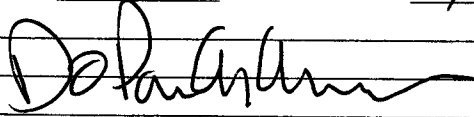
DATE 2/16/09 BILL NO. SB 318 MOTION NO. 3
 MOTION: amendment (during hearing)

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE		<input checked="" type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input checked="" type="checkbox"/>		
SENATOR AUBYN CURTISS		<input checked="" type="checkbox"/>	
SENATOR LARRY JENT	<input checked="" type="checkbox"/>		
SENATOR TERRY MURPHY		<input checked="" type="checkbox"/>	
SENATOR LYNDA MOSS	<input checked="" type="checkbox"/>		
SENATOR JOHN ESP		<input checked="" type="checkbox"/>	
SENATOR CLIFF LARSEN	<input checked="" type="checkbox"/>		
SENATOR CAROL JUNEAU	<input checked="" type="checkbox"/>		
SENATOR GREG HINKLE		<input checked="" type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR		<input checked="" type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN		<input checked="" type="checkbox"/>	

5/7

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/16/09 BILL NO. SB318 MOTION NO. 4
MOTION: _____



<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE		—	
SENATOR JESSE LASLOVICH	—		
SENATOR AUBYN CURTISS		—	
SENATOR LARRY JENT	—		
SENATOR TERRY MURPHY		—	
SENATOR LYNDA MOSS	—		
SENATOR JOHN ESP		—	
SENATOR CLIFF LARSEN	—		
SENATOR CAROL JUNEAU	—		
SENATOR GREG HINKLE		—	
SENATOR JIM SHOCKLEY, VICE CHAIR		—	
SENATOR GARY PERRY, CHAIRMAN		—	

S/7

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Judiciary Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT

AYE

NO

1/13/09	SB 140 Do Pass	✓	
	SB 35 amend	✓	
	SB 35 Do Pass (Amend)	✓	
	SB 103 Do Pass	✓	
1/14/09	SB 108 amend	✓	
	SB 108 Do Pass (Amend)	✓	
	SB 159 amend	✓	
	SB 159 Do Pass (Amend)	✓	
	SB 159 Rev Table		✓
	SB 159 Rev Table		

1/16/09	SB 169 Do Pass	✓	
	SB 160 Do Pass	✓	
	SB 96 amend	✓	
	SB 96 Do Pass (Amend)	✓	
	SB 182	✓	
2/16/09	SB 364 TABLE	✓	
	SB 400 Do Pass	✓	

Sen. Lue

(Signature)

Date

1/15/09

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from Judiciary Committee
because of other commitments. I desire to ~~leave~~ my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments,
list them by name and number under the bill and indicate a separate vote
for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

2/16/09

SB 364 TABLE	✓	
SB 400 DOPASS	✓	

sen. Lynne Bur

(Signature)

Date 1-5-09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Judiciary Committee
because of other commitments. I desire to leave my proxy vote with:

Sen. Jesse Laslovich

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

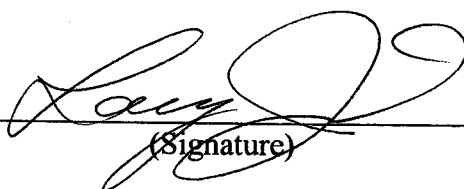
SB 311 Do Pass	/	
SB 341 Do Pass	/	
SB 340 Amend	/	
SB 340 Do Pass	/	
SB 281 Amend	/	
SB 281 CONCEP Amend	/	
SB 281 Do Pass	/	
1/9/09 SB 87 Amend	/	
SB 87 SUB TABLE	/	
SB 250 Do Pass	/	
SB 250 Rev/Type	/	
SB 238 Amend	/	
SB 238 Amend		

BILL/AMENDMENT

AYE NO

2/16/09 SB 364 TABLE	/	
SB 400 DO PASS	/	

Sen. _____


(Signature)

Date _____

1/7/09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from _____ Committee
because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

2/13/09	SB 250 Remarital	✓	
	SB 250 Amend	✓	
	SB 250 Do Pass	✓	
2/16/09	SB 368 Dotans	✓	
	SB 400 Do Pass	✓	
	SB 405 Do Pass	✓	

sen. _____

Carol Jensen
(Signature)

Date _____

1/5/09

MONTANA STATE SENATE

Visitors Register

Judiciary Committee

Date 2/16/09

Bill No. SB-405 Sponsor(s) Senator Moss

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Judiciary Committee

Date 2/16/09

Bill No. SB-428 Sponsor(s) Senator Moss

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
MARK MURPHY	YCAS MCAAB	X		
Jane Hamman	AAA/MTEA	X		
Brett Linneweber	NCAA, Park County Attorney	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Judiciary Committee

Date 2/16/09

Bill No. SB-364 **Sponsor(s)** Senator Brueggeman

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Tim RAYMOND	SELF		X	
HAROLD BLATT	MARCO		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

Judiciary Committee

Date 2/16/09

Bill No. SB-400 Sponsor(s) Senator Laslovich

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

Judiciary Committee

Date 2/16/09

Bill No. SB-441 Sponsor(s) Senator Laslovich

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.